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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                        |   |
|------------------------|---|
| Proceeding             | 91211435  |
| Party                  | Defendant<br>Donkey Markenschutz GmbH   |
| Correspondence Address | KENNETH L WILTON<br>SEYFARTH SHAW LLP<br>2029 CENTURY PARK EAST, SUITE 3500<br>LOS ANGELES, CA 90067<br>UNITED STATES<br>kwilton@seyfarth.com, kelko@seyfarth.com |
| Submission             | Response to Board Order/Inquiry   |
| Filer's Name           | Kenneth L. Wilton   |
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| Signature              | /Kenneth L. Wilton/   |
| Date                   | 07/25/2014  |
| Attachments            | Response to Order to Show Cause and Request to Extend Time.pdf(8454 bytes )   |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 79/118,366  
Published in the Official Gazette of June 11, 2013

BTG BRANDS LLC,

Opposer,

v.

DONKEY MARKENSCHUTZ GMBH,

Applicant.

Opposition No. 91211435

**RESPONSE TO ORDER TO SHOW CAUSE AND CONSENTED REQUEST FOR  
EXTENSION OF TIME TO RESPOND TO NOTICE OF OPPOSITION**

Applicant, Donkey Markenschutz GmbH (“Applicant”) hereby responds to the Board’s June 25, 2014, Order to Show Cause why default judgment should not be entered.

During the past several months the parties have negotiated and reached a resolution of the issues raised by Opposer BTG Brands LLC’s (“Opposer”) Notice of Opposition. The relevant portions of that resolution will include a request to amend the pending application to limit the identification of goods followed by a withdrawal of the opposition.

Counsel for the parties have drafted, revised and finalized a settlement agreement, which has been signed by Applicant. The parties were hopeful that the settlement agreement would be fully executed prior to the deadline for filing this response, but unfortunately that did not occur.

Because this matter appears to have been resolved, Applicant respectfully requests that the Board find that default judgment should not be entered. The failure to file a timely answer to the complaint was not the result of willful conduct or gross neglect on the part of the Applicant, but rather the belief by counsel that the matter could be resolved prior to the parties further burdening the Board with extending time. Moreover, given the impending resolution of the

matter and Opposer's consent to a further extension of time to respond, Opposer will not be substantially prejudiced by the delay. Finally, although a response has not been filed, Applicant believes it has meritorious defenses to the action that could be raised had the matter not been resolved. See generally TBMP § 312.02 (2014).

Accordingly, Applicant respectfully requests that the Board discharge its Order to Show Cause and, with the consent of Opposer, allow Applicant an additional thirty (30) days from the date of decision on the Order to Show Cause to either file a response to the Notice of Opposition (or request for a further extension of the time for same) or the Motion to Amend the Application as provided for in the current settlement agreement.

Because this matter has been resolved, and in any event Opposer has agreed to further extend the time to respond, Applicant is not providing a response to the Notice of Opposition at this time. See TBMP § 312.01 at 300-121 ("in some cases it may not be necessary for the defendant to submit its answer with the response. Examples include cases ... where the parties have settled the case or agreed to an extension of the defendant's time to file an answer").

Counsel for Opposer, Dean Amburn, consented to the further request for an extension of time to respond during a telephone call on July 25, 2014.

Respectfully submitted,

SEYFARTH SHAW LLP

Date: July 25, 2014

By:   /Kenneth L. Wilton/

Kenneth L. Wilton  
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DONKEY MARKENSCHUTZ GMBH

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 25, 2014, I served the foregoing RESPONSE TO ORDER TO SHOW CAUSE AND CONSENTED REQUEST FOR EXTENSION OF TIME TO RESPOND TO NOTICE OF OPPOSITION, by First Class Mail upon counsel for the Opposer at the address below:

Dean W. Amburn, Esq.  
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*/Eleanor Elko/*

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Eleanor Elko